

# Transcript of Brian E. Claiborne

**Case:** Claiborne v. City of Seattle, et al.

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Brian E. Claiborne

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1 Q Let me ask you a couple of questions. I feel  
 2 like we're skipping around a little bit, but I do  
 3 want to go back to the stripper, the equipment that  
 4 was in your car that you believe was lost.  
 5 A Not lost.  
 6 Q I'm sorry?  
 7 A Oh, I don't believe it was lost. It's gone.  
 8 Q What were the two types -- what was the  
 9 equipment?  
 10 A It was a stripper and a waxer and the  
 11 stripper, I don't know the exact model no more, but  
 12 basically, a stripper is like a machine that strips  
 13 off the old wax and it has, you know, pads on it, and  
 14 the waxer is basically like a machine where it lays  
 15 down the wax and smooths it out on the floor.  
 16 Q How big are these machines? Let's start with  
 17 the stripper.  
 18 A The stripper is a little bit bigger than a  
 19 vacuum cleaner and, you know, the bottom part is  
 20 maybe like 18 to 20 inches and the rest of it, you  
 21 know, looks pretty much like a vacuum cleaner, a big  
 22 vacuum cleaner.  
 23 Q Okay. And then -- oh, sorry.  
 24 A And the waxer is more like a big steam  
 25 cleaner machine looking -- it looks like a big steam

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1 cleaner.  
 2 Q Now, did both of those fit in your Nissan?  
 3 A Perfectly.  
 4 Q Did they fit -- did you put them in the  
 5 trunk?  
 6 A In the hatchback.  
 7 Q In the hatchback?  
 8 A In the hatchback because it's a wagon and the  
 9 hatchback comes out and I'd just slide them in.  
 10 Q Do you know the name brand of either of those  
 11 machines?  
 12 A Not right off hand. It's been so long since  
 13 I got the -- no, I don't.  
 14 Q Okay. And now did these machine belong --  
 15 who did these machines belong to?  
 16 A They belonged to Northwest Team Clean.  
 17 Q And did anybody from Northwest Team Clean try  
 18 to recover those?  
 19 A Yes.  
 20 Q Who?  
 21 A Mr. Evans.  
 22 Q Okay. And how do you know? What did  
 23 Mr. Evans tell you?  
 24 A He went to Lincoln Towing and they said that  
 25 the car was under investigation and nothing could be

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1 taken out unless it was taken out by me.  
 2 Q And how did you communicate with Mr. Evans  
 3 about the equipment?  
 4 A He actually came up to the jail.  
 5 Q Did Mr. Evans provide any receipts of either  
 6 piece --  
 7 A No.  
 8 Q -- of equipment?  
 9 A No.  
 10 Q Did Mr. Evans ask you to pay for the  
 11 equipment?  
 12 A Yes.  
 13 Q And did you have to give that money to him?  
 14 A Well, I didn't have no money, so ever since  
 15 then, I haven't -- yeah, I haven't talked to him  
 16 since.  
 17 Q Did he send you a bill for the equipment?  
 18 A No.  
 19 Q Do you know if the equipment was insured in  
 20 any way?  
 21 A No.  
 22 Q You don't know if it --  
 23 A No, I don't know.  
 24 Q Okay. Do you know how many times Mr. Evans  
 25 went to Lincoln Towing?

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1 A No.  
 2 Q Okay. So let's talk about June 6, 2004.  
 3 Well, we've been going for about an hour, do you need  
 4 to take a break before we get into it?  
 5 A No.  
 6 Q Okay. You were driving a Nissan Stanza,  
 7 right?  
 8 A Mm-hm. (Answers affirmatively.)  
 9 Q And do you know why the police officer  
 10 stopped you that evening?  
 11 A Yes, because he said that my license plates  
 12 was wrong and they didn't -- well, first, he pulled  
 13 me over and said that I had warrant, and when I gave  
 14 him my -- I was like that's impossible and I gave him  
 15 my license and registration and he was like -- you  
 16 know, and then he went back to the car and he came  
 17 back and he was like, well, you don't even got the --  
 18 these ain't your license plates. You're not Michael  
 19 Johnson, and I was like I know I'm not Michael  
 20 Johnson and that's where everything started taking  
 21 place.  
 22 And he told me, well, your license plate says  
 23 you're this person and you're giving me information  
 24 that says you're this person and, you know, I gave  
 25 him my license and registration and he was like,

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1 well, you got the wrong license plate on your car.  
 2 Q Okay. Let me back you up a little bit.  
 3 Where were you right before this incident?  
 4 A I was leaving work.  
 5 Q Were you leaving the Ballard site or the --  
 6 A Yes.  
 7 Q Actually, where is the Northwest Team  
 8 Clean -- where are their offices located?  
 9 A I don't know.  
 10 Q Where did you pick up your paychecks?  
 11 A He just came to the site and gave it to me.  
 12 Q You don't know at all where his office was  
 13 located?  
 14 A No.  
 15 Q How did you interview for the job?  
 16 A Well, actually, I was doing the janitorial  
 17 somewhere else and he was like, hey, I need another  
 18 janitor, you're doing a job good, here's my number,  
 19 give me a call.  
 20 Q So how would he know -- how would you know  
 21 where you had to report to work?  
 22 A We would communicate through the phone and at  
 23 the time, I had a cell phone and he would call me. I  
 24 would meet him at a certain spot, pick up the truck,  
 25 and -- or most of the times, he just came to my house

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1 and just dropped it off.  
 2 Q Was that the house on 14th Avenue?  
 3 A Yes.  
 4 Q And he would drop off the stuff?  
 5 A Yeah, and the cleaning supplies or whatever  
 6 that needs to be done.  
 7 Q So would you always keep the stripper and the  
 8 waxer in your car?  
 9 A Until maybe the next day and we would do an  
 10 exchange or whatever.  
 11 Q Okay. So you were coming home from the site.  
 12 What time had you gotten off work?  
 13 A About 2:00.  
 14 Q And this was a site in Ballard?  
 15 A Yeah, at about two. I'm not sure of the  
 16 exact time, but it was after two, definitely.  
 17 Q Okay. I'm going to ask you to draw a diagram  
 18 of where your car was stopped and just show me what  
 19 the street intersection was. Do you remember what  
 20 the intersection was?  
 21 A I don't remember the names or anything, no.  
 22 Q You don't remember the names?  
 23 A No.  
 24 Q Oh, okay. So maybe that won't help for you  
 25 to draw a map?

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1 A No.  
 2 Q Do you remember if it was at Boyleston? Does  
 3 that sound familiar to you?  
 4 A I don't remember no names --  
 5 Q Okay.  
 6 A -- to tell you the truth.  
 7 Q How about the area?  
 8 A Close to the Broadway area between Broadway  
 9 and I was going down 12th like pretty much to get to  
 10 my house to go to Beacon Hill and I usually from --  
 11 my route was usually taking the waterfront way and  
 12 just kind of easing my way up to my house.  
 13 Q Did you stop anywhere from the work site  
 14 to --  
 15 A No.  
 16 Q Okay. So you were just on your way home?  
 17 A Yeah.  
 18 Q Okay. I'm going to show you a Google map of  
 19 1500 Boyleston Avenue. The incident report, which  
 20 I'll provide you a copy with, indicates that you were  
 21 stopped at 1500 Boyleston Avenue.  
 22 A Mm-hm. (Answers affirmatively.)  
 23 Q And that intersection is at Boyleston and  
 24 Pine, so I'm going to circle that. Looking at this  
 25 map, does this familiarize yourself with where you

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1 were stopped?  
 2 A (Shakes head negatively.)  
 3 Q Not at all?  
 4 A Not at all.  
 5 Q Okay.  
 6 A It's real -- I'm used to seeing things.  
 7 Q Okay. But I'm just going to show you here,  
 8 this is Broadway and then this is East Pine and  
 9 Boyleston Avenue.  
 10 Can you tell me what direction you were  
 11 driving?  
 12 A I guess that way. This is north -- no, I was  
 13 going south that way, right?  
 14 Q Actually, south is down the paper.  
 15 A Oh.  
 16 Q So you think you were traveling on 12th  
 17 Avenue?  
 18 A Yeah, I was on 12th Avenue --  
 19 Q Okay. Do you --  
 20 A -- as I believe.  
 21 Q Do you know how you made your way to  
 22 Boyleston Avenue?  
 23 A Maybe I wasn't. The map, I can't understand  
 24 it.  
 25 Q Okay. So it's hard for you to orient

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1 yourself --  
 2 A Yeah --  
 3 Q -- on the paper?  
 4 A -- because I don't know street names.  
 5 Q Okay. Okay. So you do believe that your  
 6 normal course was to drive on 12th Avenue to go south  
 7 toward --  
 8 A Well, that's where I'd usually wind up just  
 9 before Jackson. I'd come off of Jackson on 12th  
 10 Avenue usually.  
 11 Q Okay. So then you were coming home from  
 12 work. The officer said that the license plate didn't  
 13 match your car?  
 14 A Yes.  
 15 Q And later, did you realize that was true,  
 16 that the license plate didn't match your car?  
 17 A Well, basically, he came up to me and he told  
 18 me -- I was like, I don't -- it shouldn't be changed  
 19 and he was like, Boy, you don't know -- that's where  
 20 it started. He was like how you can't know your own  
 21 license plate, and I told him I wouldn't figure no  
 22 one to change my license plate. You know, that's not  
 23 something that -- if they're going to steal  
 24 something, I would figure they would steal the whole  
 25 car. I never heard of anybody taking a license plate

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1 before and he was like --  
 2 Q Let me just stop you for a second.  
 3 Did you pull over to the side of the road or  
 4 did you stop in the middle of the road?  
 5 A I pulled it to the side.  
 6 Q Was there a lot of traffic?  
 7 A No.  
 8 Q And what time was it?  
 9 A I'm not sure. It was after two though.  
 10 Q And did you see -- did he use his lights and  
 11 sirens to --  
 12 A Yes.  
 13 Q -- signal you to pull over?  
 14 A Yes.  
 15 Q And then how long did you travel by the time  
 16 that you had seen the lights and sirens?  
 17 A He was behind me for about a block, and by  
 18 the time he turned on his lights, I stopped.  
 19 Q Okay. So you stopped and pulled over to the  
 20 right?  
 21 A Yes.  
 22 Q Okay. Was your window rolled down?  
 23 A Yeah, it went -- yeah, it was rolled down.  
 24 Q Did you roll it down because he was coming to  
 25 approach you?

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1 A Yes.  
 2 Q Did he approach you on the driver's side?  
 3 A Yes.  
 4 Q Was there anybody else in the car with you at  
 5 the time?  
 6 A No.  
 7 Q Okay. So what was the first thing that -- do  
 8 you know the name of the officer?  
 9 A No.  
 10 Q Did you later determine that it was Officer  
 11 Brian Hunt?  
 12 A Yes.  
 13 Q Okay. What was the first thing that Officer  
 14 Hunt said to you?  
 15 A Well, actually, license and registration and  
 16 so forth. I gave him my license and registration and  
 17 he came back and was like, you know, how is it that  
 18 your license plate says one thing and you're given me  
 19 information and saying another, and then from there  
 20 he was like, Nigger, you must be drunk if you don't  
 21 know your own -- you know, have -- that you don't  
 22 know your own license plate is missing.  
 23 I was like, first of all, I didn't think no  
 24 one would steal a license plate, and second of all,  
 25 I'm not a nigger. I am a child of God. You know, I

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1 am talking to you with respect. Please, you know,  
 2 treat me with the same.  
 3 And he just went off. He was like, Nigger,  
 4 you must be drunk if you don't -- how could you da,  
 5 da, da, and from there I was like okay and I just  
 6 stopped talking from there because I -- you know, I  
 7 don't know what he was going through. Maybe he had a  
 8 hard night, but he just got real aggressive and was  
 9 like, you know, this and that and have you had  
 10 anything to drink and I told him no, I don't drink,  
 11 you know.  
 12 Q How many times do you think Officer Hunt used  
 13 the N word?  
 14 A At least three.  
 15 Q At least three?  
 16 A And it started with boy and after I kind of  
 17 ignored the boy, that's when he was like, Nigger, how  
 18 could you -- you must be drunk, Nigger, and I was  
 19 like whoa.  
 20 Q Was there another officer present at that  
 21 time?  
 22 A Not at that time.  
 23 Q Okay.  
 24 A And basically after I told him I'm a child of  
 25 God and to treat me -- oh.

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1 Q Let me -- so he said license and registration  
2 and then did he go back to the car?  
3 A Yes.  
4 Q Okay. And then he came back?  
5 A Yes.  
6 Q Okay. Where were your hands at that time?  
7 A On the steering wheel.  
8 Q On the steering wheel.  
9 And at that point, he said, did you know that  
10 your license plate doesn't match?  
11 A Mm-hm. (Answers affirmatively.)  
12 Q And then he started using the N word?  
13 A Yeah.  
14 Q Okay.  
15 A First he said, Boy, you must be drunk.  
16 Q Right.  
17 A And I was like -- and I just kind of looked  
18 down and he was like, Nigger, don't you hear me, and  
19 that's when he got agitated, you know, and I was  
20 like, listen, you know, I'm talking to you with  
21 respect, can you please give me the same, you know,  
22 and that made him a little bit more agitated.  
23 Q At this time, your window is rolled down, but  
24 your car door is closed?  
25 A Yes.

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1 Q Did you ever see any traffic go by at this  
2 time?  
3 A No.  
4 Q Okay. How about any pedestrians? Were there  
5 pedestrians in that area?  
6 A No.  
7 Q Was it raining?  
8 A No.  
9 Q How would you describe the weather?  
10 A Normally, I would say it was a beautiful  
11 dawn -- dawnny day, you know, because usually during  
12 that time, the air is real -- and it was clean and it  
13 was, you know, but at the time, I wasn't really  
14 focusing on that, but unfortunately during my walk  
15 home -- because I was released that day, but it was a  
16 clear day. It wasn't -- it wasn't hot, but it wasn't  
17 cold.  
18 Q Were there a lot of street lights --  
19 A At that --  
20 Q -- where you were stopped?  
21 A I don't remember.  
22 Q Was Officer Hunt in a full police uniform?  
23 A Yes.  
24 Q Okay. And he was in a marked police car?  
25 A Yes.

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1 Q Okay. So then he used the N word three  
2 times?  
3 A At least.  
4 Q Okay. And then what happened after that?  
5 A Well, after -- you know, basically after I  
6 told him, hey, you listen, I'm a child of God, you  
7 know, da, da, da, I'm not even going to speak to you  
8 no more. You know, you have a problem. You know, he  
9 basically grabbed me through the window and tried to  
10 get me out of the car and that's when he started  
11 bashing me.  
12 Q Okay. So let me back up just a second.  
13 Before he grabbed you through the window, did  
14 he indicate to you that because the license plate  
15 didn't match the car that he suspected that the car  
16 was stolen?  
17 A No, he never said anything about the car  
18 being stolen, nothing like that.  
19 Q Okay. Did he ask -- okay. So then how did  
20 he -- where did he grab -- did he grab your body?  
21 A No, he grabbed me -- at the time, I had  
22 locks.  
23 Q Okay.  
24 A And he grabbed me by my hair and by my collar  
25 like this and he -- and he was like get out of the

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1 car and I was like -- first he asked me to get out of  
2 the car and then he was like, you must be drunk,  
3 Nigger, get out of the car, and I was like, no, I'm  
4 not dealing with you. Can you call someone else  
5 because you have a problem and I don't want to deal  
6 with that and I don't want to have no problems right  
7 now.  
8 And at the time, I'd been very clear-headed  
9 on that point, you know. I didn't want nothing that  
10 happened because my main focus was having my sons in  
11 the next week and I was trying not to get in no type  
12 of altercation with anybody.  
13 And once I said, can you please just call  
14 somebody else who's not as, you know -- I forgot the  
15 word I actually used, but who's not as hot and mad as  
16 you, you know, and that's when he grabbed me and said  
17 get out of the car.  
18 Q Okay. So when he grabbed you, was he  
19 grabbing you through the window?  
20 A Yes.  
21 Q Did he open the door?  
22 A He was trying -- well, not -- actually, he  
23 first did the grabbing through the window and then he  
24 went for the door to pull me out.  
25 Q So where was his -- which part of your body

16 (Pages 58 to 61)



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1 did his right hand grab?  
 2 A Okay. Right. Well, first, I think he  
 3 grabbed me by the hair and my collar and then he  
 4 pulled me through the thing and then he let go of  
 5 this hand to try to open the door and my body --  
 6 Q Let me back you up a little bit because --  
 7 (Simultaneous talking.)  
 8 MR. HOWELL: Let me -- let the record  
 9 reflect --  
 10 THE WITNESS: Okay.  
 11 MR. HOWELL: -- that the witness had  
 12 two hands outstretched. He had his right hand  
 13 outstretched on the shoulder and hair area of  
 14 demonstrating how the officer grabbed him and then he  
 15 released his left hand to jiggle the door.  
 16 THE WITNESS: Right.  
 17 Q (By Ms. Tran) So, Mr. Claiborne, it's your  
 18 testimony that Officer Hunt had his right hand on  
 19 your hair?  
 20 A Yeah, pretty much.  
 21 Q Was he actually holding your hair?  
 22 A Yeah.  
 23 Q Left hand on your shoulder?  
 24 A Yeah.  
 25 Q Which shoulder?

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1 A Right here.  
 2 Q So across your body, your right shoulder?  
 3 A Yes.  
 4 Q Okay. And then did he successfully pull any  
 5 part of your body through the window?  
 6 A Yes, my head came out and once my head was  
 7 out, he opened the door and I swung out with the door  
 8 and that's when he pulled me and started banging me  
 9 on the thing.  
 10 Q Okay. So he pulls your head out the window?  
 11 A Yeah.  
 12 Q And then once he pulls your head out of the  
 13 window, he takes his left hand to open the car door?  
 14 A Yes.  
 15 Q Did he reach inside the car?  
 16 A No.  
 17 Q Okay. So he used the handle on the outside  
 18 of the car?  
 19 A Yes.  
 20 Q Okay. Was the car door locked?  
 21 A No.  
 22 Q So he didn't have to unlock the car?  
 23 A No.  
 24 Q So is your head still in the window area when  
 25 the door opens?

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1 A Yes, and then my whole body swings out with  
 2 the door pretty much.  
 3 Q Okay.  
 4 A And that's when he grabbed me and just  
 5 started banging me.  
 6 Q So is your body fully out of the car?  
 7 A By this time, yeah.  
 8 Q Okay. So your feet are on the ground?  
 9 A Not all the way. One foot was still in the  
 10 car and I was off balance and he grabbed me pretty  
 11 much by my neck and brung (sic) me this way towards  
 12 the opening of the door, the roof part where the door  
 13 is, and he slammed me against the door and the roof  
 14 right there, and, you know, oh, you're a smart ass  
 15 and something like to that extent. Oh, you're, da,  
 16 da, da, da, and he slammed me again, and I was like,  
 17 hey --  
 18 Q During the time that he was pulling you out  
 19 of the car, did he use the N word?  
 20 A No.  
 21 Q Okay.  
 22 A Until he started slamming, it was like, oh,  
 23 you're a smart ass now, Nigger, da, da, da, and he  
 24 said it a couple of times while he was releasing his  
 25 anger, I guess.

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1 Q So at any point did he remove his right hand  
 2 from your locks, your hair?  
 3 A Yeah.  
 4 Q Okay.  
 5 A Just to reposition him -- to put me in a  
 6 position -- to put me on top of the car.  
 7 Q Okay. And so when you say that he grabbed  
 8 you out of the car and then he let go of you to  
 9 reposition himself, right?  
 10 A Oh, yeah, pretty much, yeah.  
 11 Q Okay. And then he -- where did he reposition  
 12 his hands after that? Now you're out of the car.  
 13 A Pretty much my head.  
 14 Q So both hands on your head?  
 15 A Yeah, pretty much.  
 16 Q Okay. So what part of your head was his  
 17 right hand --  
 18 A On both sides of my head like this.  
 19 Q And by this, you mean over your ears or --  
 20 A Yeah, pretty much over my head.  
 21 Q And is he standing behind you at this point?  
 22 A Yes.  
 23 Q So now you've gotten out of the car?  
 24 A Mm-hm. (Answers affirmatively.)  
 25 Q And you're in between the area between the

17 (Pages 62 to 65)

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1 door and the roof of the car, right?  
 2 A Yeah.  
 3 Q And it's your testimony that he has both of  
 4 his hands on your head?  
 5 A Yes.  
 6 Q The back of your head?  
 7 A Yes.  
 8 Q Okay. And you say that -- was he moving you  
 9 up and down?  
 10 A No, basically to the side towards the car,  
 11 you know, basically pushed me into the car.  
 12 Q Okay.  
 13 A And that's when the first -- you know,  
 14 basically, the roof of the car, you know, it's like  
 15 an opening right there and I hit the roof like this.  
 16 Q And it's the left side of your face?  
 17 A Yeah.  
 18 Q Did any other part of your body hit the roof  
 19 of the car?  
 20 A Mainly just this.  
 21 Q The left side of your face?  
 22 A Yeah.  
 23 Q Okay. How many times do you think you made  
 24 contact with the car, the roof of the car?  
 25 A About three times, and then after the third

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1 time, he basically grabbed my arm and put it over  
 2 like -- like this and it was over my head like this  
 3 from the back and then he took the other one and put  
 4 it like this and at that time, he -- you know, he was  
 5 just holding my hands at that time and then he pulled  
 6 out his, you know, handcuffs and everything and  
 7 that's when backup started coming.  
 8 Q So let me walk through that part.  
 9 So you said that he pushed your head into the  
 10 roof of the car three times?  
 11 A Yeah.  
 12 Q And that the third time he grabbed your right  
 13 arm?  
 14 A Yeah.  
 15 Q He grabbed your right arm and put it behind  
 16 your back?  
 17 A Over my head behind --  
 18 Q Being your back and over --  
 19 (Simultaneous talking.)  
 20 Q (By Ms. Tran) And then did he grab your --  
 21 MR. HOWELL: Can I request that you  
 22 slow down a little bit too?  
 23 MS. TRAN: Yes.  
 24 MR. HOWELL: Thanks.  
 25 Q (By Ms. Tran) And then he grabbed your -- so

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1 he grabbed your right arm, put it behind your back?  
 2 A Uh-huh. (Answers affirmatively.)  
 3 Q And then did he grab your left --  
 4 A Yeah.  
 5 Q -- arm and did he go over your head?  
 6 A The same way. He put it behind and over, so  
 7 it was like this, but my hands was like over by my  
 8 neck and he was just like picking me up basically by  
 9 my wrists.  
 10 Q So he had both of your arms behind your back?  
 11 A Yeah.  
 12 Q But your wrists were towards your neck area?  
 13 A Yeah.  
 14 Q And at that point, did he put handcuffs on  
 15 you?  
 16 A Yes.  
 17 Q Okay. So at the time that he put the  
 18 handcuffs on you, would you say your wrists were  
 19 close to your neck area --  
 20 A Yes.  
 21 Q -- behind your back?  
 22 A Well, like back there and it was, oh, because  
 23 he was basically picking me up by my arms and it was  
 24 like I was almost just dangling from him going like  
 25 this and then when he put on the handcuffs and he let

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1 me go and then I think the other car pulled in and he  
 2 was like, yeah, I got a drunken driver, and that's  
 3 when he let go a little bit and started talking to  
 4 the other guy.  
 5 Q Okay. So when he put the handcuffs on you,  
 6 did he actually lift you up off the ground?  
 7 A Yeah.  
 8 Q Okay.  
 9 A Well, my toes was barely on the ground a  
 10 little bit.  
 11 Q How high would you say the roof of the car is  
 12 like if you were just standing?  
 13 A Pretty much right there. Like if I'm  
 14 standing, the roof of the car is like right here.  
 15 That's why -- that's the part that I hit and so I  
 16 would say like four feet or whatever.  
 17 Q And that would be at your nose level?  
 18 A Yeah, yeah, nose level.  
 19 Q Okay. So then another officer arrived?  
 20 A Yes.  
 21 Q Okay. So you said that as he is pulling you  
 22 out of the car, he refers to you as a smart ass?  
 23 A No -- yeah, yeah.  
 24 Q And then he starts to use the N word again?  
 25 A Yeah.

18 (Pages 66 to 69)

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1 scene?  
 2 A No. I don't know a full tooth, but basically  
 3 all of them got chipped off or pushed in.  
 4 Q Okay. But none of them fell out?  
 5 A No.  
 6 Q Okay. So one in the front was chipped and  
 7 then one was pushed up, right?  
 8 A Yeah.  
 9 Q And then one --  
 10 A No, all --  
 11 (Simultaneous talking.)  
 12 A All these are cracked in one way or another,  
 13 and one got pushed in and this one got just to the  
 14 point where it just broke in a chip form.  
 15 Q (By Ms. Tran) After the incident, did you  
 16 take pictures of your teeth?  
 17 A No.  
 18 Q Okay. So let's talk a little bit about what  
 19 Officer Runolfson did.  
 20 Prior to or actually when Officer Runolfson  
 21 got there, were you put into the back of a patrol  
 22 car?  
 23 A No.  
 24 Q So you never --  
 25 A Until he came.

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1 Q Let me ask the question.  
 2 Before being transported to the precinct,  
 3 were you ever placed into a patrol car?  
 4 A (Shakes head negatively.)  
 5 Q No?  
 6 A No.  
 7 Q Okay. So when Officer Runolfson arrived, you  
 8 were already in handcuffs?  
 9 A Yes.  
 10 Q When Officer Runolfson arrived, did he take  
 11 the handcuffs off of you?  
 12 A I don't remember.  
 13 Q Okay. Did he ask you to undergo a field  
 14 sobriety test?  
 15 A Yes.  
 16 Q Okay. What did he ask you to do?  
 17 A Well, no, he asked -- actually, they just  
 18 took me and gave me a breathalyzer. They didn't -- I  
 19 didn't do no walking test or anything. I didn't do  
 20 none of that. I just asked him, well, how is he  
 21 saying I'm drunk when that ain't why he pulled me  
 22 over, and the other officer well -- said, hey, well,  
 23 let's go get you your breathalyzer if that's what  
 24 you -- you know, and that's when he took me to the  
 25 thing and they gave me a breathalyzer, and like I

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1 said, I took it like --  
 2 Q Before we get to the precinct --  
 3 A Okay.  
 4 Q -- while we're still at the incident scene,  
 5 did you take a breath test at the scene?  
 6 A I don't think so.  
 7 Q Do you remember Officer Runolfson asking you  
 8 to count the -- say the alphabet backwards?  
 9 A No.  
 10 Q How about did Officer Runolfson ask you to  
 11 stand on one foot?  
 12 A No.  
 13 Q Did Officer Runolfson ask you to count?  
 14 A No.  
 15 Q And then on your ride to the precinct, were  
 16 you placed in handcuffs?  
 17 A Yes.  
 18 Q Who transported you to the precinct?  
 19 A I think the other officer.  
 20 Q Runolfson?  
 21 A Yes, yes.  
 22 Q I'm going to hand you what has been marked as  
 23 Exhibit-1 to your deposition. I'm going to give you  
 24 a minute to look at this document, Mr. Claiborne.  
 25 A Wow.

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1 Q Have you seen --  
 2 A Officer --  
 3 Q Wait. Wait. Wait.  
 4 A Oh, sorry.  
 5 MR. HOWELL: Let him finish, please.  
 6 Let him finish. Keep reading. Keep reading.  
 7 THE WITNESS: Okay.  
 8 A The weird thing is --  
 9 MR. HOWELL: Are you finished? Finish  
 10 reading and then you can testify.  
 11 THE WITNESS: Okay.  
 12 MR. HOWELL: And there's no question  
 13 before you.  
 14 THE WITNESS: Okay. (Peruses  
 15 document.)  
 16 Q (By Ms. Tran) Have you had an opportunity to  
 17 look at this document, Mr. Claiborne?  
 18 A Mm-hm, yeah.  
 19 Q All right. Have you seen this document  
 20 before?  
 21 A Actually, no.  
 22 Q Okay. I'm going to represent to you that  
 23 this is a Continuation Sheet for incident number  
 24 04-229405. If you look at the top right-hand corner,  
 25 do you agree with me that it says incident number

21 (Pages 78 to 81)



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1 conversation I had with any officer was the officer  
2 that came after Hunt.  
3 Q Okay. Did you smell like alcohol?  
4 A No. I had chemicals in the car, but, you  
5 know, that doesn't really smell like alcohol. It  
6 just has a strong smell to it.  
7 Q Were there bottles of chemicals?  
8 A There were bottles of window cleaner. There  
9 were bottles of stripper. There were bottles of  
10 waxing. There was, you know, disinfectant for the  
11 bathroom. I had -- basically, I had many chemicals,  
12 different chemicals in the car.  
13 Q Now, do you carry them in one basket or one  
14 box?  
15 A No, actually, I -- basically on my back seat,  
16 I have like little carrying cases that I put on my  
17 garbage can and they kind of overlap and go into the  
18 garbage can a little bit and the cleaners, you know,  
19 hang. It's like a little cleaning carry cart thing.  
20 Q Where was the floor stripper?  
21 A The floor stripper was in the hatchback, the  
22 back part.  
23 Q So not in the back seat?  
24 A No, no, no. The back seat was right here,  
25 but the floor stripper and the waxer was in the

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1 hatchback. It's a wagon, so, you know --  
2 Q Right.  
3 A -- it has nice room in it.  
4 Q So that's where the waxer and the stripper  
5 were?  
6 A Yeah.  
7 Q Was there a cover over them?  
8 A No.  
9 Q Okay. Did Officer Runolfson ask you how much  
10 you had had to drink?  
11 A No. Actually, once Hunt said that I was  
12 drunk and da, da, da, that's when I started  
13 protesting, hey, I didn't drink nothing, give me a  
14 blood test, breathalyzer, and I kept on saying that  
15 over and over and this officer, okay, you're going to  
16 get your chance. They didn't run no tests on me  
17 until I got into the precinct.  
18 Q So you didn't tell Officer Runolfson that you  
19 had had a beer or two?  
20 A No.  
21 Q Okay.  
22 A Definitely not.  
23 Q Okay. And this incident narrative indicates  
24 that you took a breath test and that you had a  
25 reading of .116. Do you see that under --

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1 A Yes, I see it.  
2 Q Okay.  
3 A But I -- the thing is, when I first took the  
4 test -- I actually at one point in time had all my  
5 test slips and all of my tests came one -- I mean,  
6 zero, zero -- I mean .00 whatever you know the zeros  
7 are, and all of them my tests came out, and the sixth  
8 time, I was like, man, I'm out of breath. I can't  
9 blow no harder. Officer Hunt was like, he has to  
10 have something, and I was like, well, give me a blood  
11 test then.  
12 And so they said, well, just think about it  
13 and they went to talk and about an hour later, they  
14 was like, well, we can let you go now and we'll just  
15 write you as a refusal since our machine is broke,  
16 and I was like no, I'm not refusing. Give me a blood  
17 test. He was --  
18 Q You're actually jumping ahead.  
19 A Okay, sorry.  
20 Q That was at the precinct.  
21 A Sorry.  
22 Q We're still at the incident itself.  
23 A Okay.  
24 Q So you don't remember taking a breath test at  
25 the incident?

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1 A No, we didn't take no test or anything at the  
2 incident.  
3 Q Okay.  
4 MR. HOWELL: For the record, can we  
5 have an explanation of what PBT of .116 BrAC means?  
6 MS. TRAN: My understanding is that's  
7 the same as a .08 being the legal limit, so this  
8 would be twice the legal limit.  
9 MR. HOWELL: And what's PBT?  
10 MS. TRAN: My understanding is it's a  
11 field breathalyzer test, so it's a shortened version  
12 of the breathalyzer test. I'm not -- I don't know --  
13 I can't remember what PBT stands for, but that's my  
14 understanding. Perhaps it's something you could ask  
15 the officer when you depose him.  
16 Q (By Ms. Tran) Do you remember asking Officer  
17 Runolfson, am I over the legal limit?  
18 A No.  
19 Q Okay. And then did you say to Officer  
20 Runolfson, I'm not surprised?  
21 A I didn't say -- actually, to be truthful,  
22 this whole prescreening thing, it never happened.  
23 Q Okay.  
24 A None of it. And like I said, the only thing  
25 I spoke from the whole incident to going to the

23 (Pages 86 to 89)